

**NPDES Stormwater
Technical Advisory Committee (TAC)**

DRAFT REPORT OF MEETING

**TUESDAY, APRIL 20, 2010
10:00 A. M.
CITY OF DALY CITY**

1. INTRODUCTIONS, ANNOUNCEMENTS, ADOPTION OF MINUTES, AND REVISION TO AGENDA

Self-introductions were made and the March meeting minutes were adopted as written. Matt Fabry reported that he attended the 2010 International Low Impact Development (LID) conference on its final day in order to participate with Kevin Robert Perry in a panel discussion of green streets in harsh climates. About 100 people attended a tour of local LID projects, and one of the projects visited was the Brisbane City Hall parking lot demonstration project.

It was noted that there appears to be an increase in the enforcement of municipal stormwater permits as evidenced by two recent administrative civil liability complaints against Alameda County unincorporated for a total of more than \$600,000. In addition, the Water Board staff has been auditing local municipal stormwater programs and plans to continue doing audits next fiscal year.

2. PRESENTATIONS

- a. Commission on State Mandates Decision That Some San Diego Stormwater Permit Requirements Are Reimbursable State Mandates – Matt Fabry noted that San Diego County and its cities received a fairly favorable ruling by the Commission on State Mandates. Quite a few of the municipal stormwater permit requirements were determined to be state reimbursable. Several municipal stormwater permit requirements were judged not to be reimbursable because the municipalities had local fee authority, such as requirements to implement LID and hydromodification controls. The State Water Resources Control Board may appeal the decision.

The Countywide Program is working with the Bay Area Stormwater Management Agencies Authority (BASMAA) to decide who would like to participate in filing a claim with the Commission on State Mandates. Rich Napier believes that it is worthwhile to file a claim. There will be issues about how to file the test claim; will each interested municipality have to file a separate claim? The claim must be filed within one year of the municipal regional stormwater permit's adoption, which will be October 13, 2010. The Countywide Program will need assistance from municipalities in identifying local costs for implementing MRP requirements that may be unfunded state mandates.

- b. Bay Area Stormwater Management Agencies Update – Matt reviewed some of the progress that BASMAA's committees are making on developing regional products to help the municipalities comply with the MRP. BASMAA's *Municipal Operations Committee* may expand BASMAA's existing surface cleaners program to also include carpet cleaners and fleet washers. BASMAA is drafting stormwater pump station data collection forms.

BASMAA's Trash Committee is working with the San Francisco Estuary Partnership staff on the use of its American Recovery and Reinvestment Act stimulus funds for the trash device installation demonstration project. If the installation of a trash capture device would require compliance with CEQA beyond the CEQA exceptions for retrofitting an existing storm drain, the installations would likely be ineligible for funding under the demonstration project. Also, the Water Board staff has stated that it is not expecting the trash hot spots to be assessed and cleaned up by June 30 – this needs to occur by November 30, 2010. Concerns were expressed about whether the city or vendor is liable if a trash capture device causes flooding of property.

BASMAA's Development Committee is looking for consultant assistance with modeling green street pilot projects. The committee is also working on developing green roof specifications, LID infeasibility criteria, and LID reduction credits for special projects as allowed by the MRP. The committee sponsored a soil specifications round table discussion last month.

Cynthia Royer reported that the *Monitoring and Pollutants of Concern Committee* is continuing to do a lot of scoping for future projects. There is an interest in picking sites to evaluate the possible presence of PCBs in window caulking. Empty buildings that are planned for demolition would be excellent places to target. A concern expressed by public agencies is possible liability if PCBs were found.

The *PIP Committee* is working on its regional advertising campaign and its annual reporting forms.

On April 1 BASMAA submitted to the Water Board staff its proposed annual reporting forms.

- c. Proposed Basin Plan Amendment to Add Surface Water Bodies and Beneficial Uses – Fred Jarvis reviewed the Water Board staff's proposal to add many creeks, lagoons, and sloughs to the Water Board's Basin Plan. Currently on the San Mateo County bayside the only creeks and their beneficial uses listed in the Basin Plan are Colma, San Mateo, and San Francisquito Creeks. The Countywide Program has been working with the Water Board staff to try to make sure that the beneficial uses being proposed for listing are based on supporting information. The Water Board plans on holding two public hearings on the listings before they are adopted.
- d. Action Item: Approval of FY 2010 Countywide Program Budget – Matt reviewed changes to the draft FY 2010/11 Countywide Program budget since the March TAC meeting. Section B Program Management and Oversight was modified to reflect more accurately the current costs. In addition, section C Support for Countywide Proposition 218 Election was added to the budget in order to seek additional funding. The budget also includes sufficient funding for a full-time stormwater coordinator position.

Robert Weil moved to approve the FY 2010 Countywide Program budget contained in the agenda packet, Dermot Casey seconded the motion, and it was adopted unanimously.

- e. Update on NPDES Funding Work Group Meeting – Matt noted that the work group that included Larry Patterson Public Works Director from San Mateo; Robert Weil Public Works Director from San Carlos; Randy Breault, City Engineer/Public Works Director from City of Brisbane; and Rich Napier has been expanded to also include Jim Porter, Public Works Director for San Mateo County and Peter Vorametsanti, City Engineer from Redwood City. At last week's meeting it was reaffirmed that the main short-term purpose of the work group is to address the revenue needs for the countywide and city-specific stormwater programs. There is also a separate need to address storm drainage infrastructure funding shortfalls. There may be a need to create a utility system or fully fund the flood control district. The concept of doing a Proposition 218 compliant election in about two years was discussed. Information about the Funding Work Group will be presented to the Congestion Management TAC.

Robert Weil added that the good news is that the existing countywide flood control district could set up an assessment (a new funding entity doesn't need to be created). If the election was successful, funds would flow to the flood control district and then some of the funds would be directed to the Countywide Program and the cities. Based on the "Stormwater Program Funding Options" report completed two years ago, the tolerance level of stormwater funding is in the range of \$25 - \$30 per household/year. It may be important to do a survey to learn where we stand on a possible ballot measure. It would be useful if an election was at least concurrent with a possible election to restore tidal wetlands. Victor Vong mentioned that it was important in Burlingame's successful Proposition 218 election to have a lot of stakeholder groups to explain the benefits of the measure since staff cannot advocate a position on a ballot measure.

3. SUBCOMMITTEE REPORTS

- a. Public Information/Participation – Lizzy Claycomb reported that the subcommittee is working on a car washing tips sheet for residents. A survey of municipalities needs for educational outreach materials was held to assist with Earth Day events. The Countywide Program hosted a booth at the Home Show as a substitute for participating in the county fair.
- b. Commercial/Industrial and Illicit Discharge – At the April meeting the status or work on items to assist with MRP compliance was discussed. Dermot noted that County Environmental Health is evaluating whether it would be able to hire a full-time person to inspect businesses that are not covered by the hazardous materials and retail food facility inspectors.
- c. New Development – The last meeting was held at the Serramonte Library in Daly City in order to see the parking lot demonstration project installed with vehicle license fees. The subcommittee has created a new

- binder with Provision C.3-related compliance materials. Future meetings will be held at the Redwood Shore Library, and a New Development workshop will be held on May 26 at the Mission Blue facility in Brisbane.
- d. Municipal Maintenance – This subcommittee met last month to discuss progress on its site specific stormwater pollution prevention plan for corporation yards and other MRP compliance materials.
 - e. Trash Work Group – Kiley Kinnon pointed out that the first meeting of the work group was held in March. It was agreed that municipalities in the Colma Creek watershed should meet separately to identify a collaborative approach to controlling trash in this watershed. The work group also is interested in involving Caltrans staff in the work group.
 - f. Parks Maintenance and Integrated Pest Management Work Group – This work group will meet next week.
 - g. Watershed Assessment and Monitoring – This subcommittee will continue to hold its meetings in abeyance for a few more months. Any questions TAC members have about the details of the monitoring and pollutants of concern tasks and budgets should be forwarded to Jon Konnan at EOA.
4. PUBLIC COMMENTS - None.
5. NEXT MEETING
The next TAC meeting will be held on May 18 in San Carlos.
6. ADJOURNED